

Senate Bill 138

By: Senators Stoner of the 6th, Rogers of the 21st, Hill of the 32nd and Wiles of the 37th

AS PASSED**AN ACT**

To amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy, and quorum provisions regarding the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), is amended by striking subsections (b), (c), and (d) of Section 2 thereof and inserting in their respective places the following:

"(b) The authority shall consist of seven members who shall be determined and selected as follows:

- (1) One member shall be the chairperson of the Board of Commissioners of Cobb County, Georgia;
- (2) One member shall be selected by the governing authority of the City of Marietta, Georgia;
- (3) One member shall be selected by the governing authority of the City of Smyrna;
- (4) One member shall be the chairperson of the Board of Commissioners of Paulding County;
- (5) Three members shall be selected by a caucus consisting of all members of the General Assembly whose districts are wholly or partially within Cobb County. The three members so selected by the caucus shall include one member from Cobb Commission

District 1 or 4, excluding residents of Marietta and Smyrna; one member from Cobb Commission District 2 or 3, excluding residents of Marietta and Smyrna; and one member from unincorporated Cobb County.

(c) The term of office of the chairperson of the Board of Commissioners of Cobb County as a member of the authority and the term of office of the chairperson of the Board of Commissioners of Paulding County as a member of the authority shall be concurrent with their terms of office as chairpersons except that the term of office of the chairperson of the Board of Commissioners of Paulding County shall begin on August 15, 2006. The member of the authority appointed by the governing authority of Marietta serving on the effective date of this subsection shall serve until August 14, 2008, and until his or her successor is appointed and qualified. The member of the authority appointed by the governing authority of Smyrna shall begin serving on August 15, 2006, and shall serve until August 14, 2008, or until his or her successor is appointed and qualified. Thereafter, both the member of the authority appointed by Marietta and the member of the authority appointed by Smyrna shall serve for terms of four years and until their successors are appointed and qualified and shall assume office on August 15 following the expiration of the prior members' terms. The four members of the authority appointed by the members of the General Assembly from Cobb County serving on the effective date of this subsection shall serve until August 14, 2006, and until their successors are appointed and qualified. Thereafter, the members of the authority appointed by the members of the General Assembly from Cobb County shall serve for terms of four years and until their successors are appointed and qualified and shall assume office on August 15 following the expiration of the prior members' terms. The member of the authority appointed by the City of Acworth, Georgia, serving on the effective date of this subsection shall serve until August 14, 2006, and until the member of the authority appointed by the governing authority of Smyrna is appointed and qualified.

(d) The authority shall elect one of its members as chairperson and another as vice chairperson. The authority may also select a secretary and treasurer who need not necessarily be members of the authority. Except as otherwise provided in subsection (c) of this section, five members of the authority shall constitute a quorum. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority."

SECTION 2.

Said Act is further amended by striking subsection (a) of Section 2A thereof and inserting in its place the following:

"(a) In the event of a vacancy in the membership of the authority by reason of death, resignation, or disability, said vacancy shall be filled by the governing authority, chairperson of the governing authority or the chairperson's designee, or caucus which originally selected the vacating member in question."

SECTION 3.

This Act shall become effective on July 1, 2006.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.